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THE
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OF

THE RIGHT HONORABLE

W. W. GRENVILLE,

SPEAKER of the HOUSE of COMMONS,

IN THE
C O M M I T T E E

ON THE
STATE OF THE NATION,

January 16, 1789.

L O N D O N :

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S P E E C H, &c.

IN the Committee on the State of the Nation, January 16th, 1789,

Mr. WATSON in the Chair,

Mr. CHANCELLOR of the EXCHEQUER moved the following Resolutions, *viz.*

RESOLVED, That for the purpose of providing for the exercise of the Royal Authority, during the continuance of his Majesty's illness, in such manner and to such extent as the present circumstances and the urgent concerns of the nation appear to require, it is expedient that his Royal Highness the Prince of *Wales*, being resident within the realm, shall be empowered to exercise and administer the Royal Authority, according to the laws and constitution of *Great Britain*,

in the name and on the behalf of his Majesty, and under the stile and title of REGENT OF THE KINGDOM ; and to use, execute, and perform, in the name and on the behalf of his Majesty, all authorities, prerogatives, acts of government and administration of the same, which belong to the King of this realm, to use, execute, and perform, according to the laws thereof, subject to such limitations and exceptions as shall be provided.

RESOLVED, That the power so to be given to his Royal Highness the Prince of *Wales*, shall not extend to the granting of any rank or dignity of the peerage of the realm to any person whatever, except to his Majesty's royal issue, who shall have attained the full age of twenty-one years.

RESOLVED, That the said powers should not extend to the granting of any office whatever in reversion, or to the granting of any office, salary, or pension, for any other term than during his Majesty's pleasure, except such offices as are by law required to be granted for life, or during good behaviour.

RESOLVED, That the said powers should not extend to the granting of any part of his Majesty's real or personal estate, except so far as relates to the renewal of leases.

RESOLVED, That the care of his Majesty's royal person, during the continuance of his Majesty's illness, should be committed to the Queen's most excellent Majesty; and that her Majesty should have power to remove from, and to nominate and appoint such persons as she shall think proper to the several offices in his Majesty's household; and to dispose, order, and manage all other matters and things relating to the care of his Majesty's royal person during the time aforesaid: and that, for the better enabling her Majesty to discharge this important trust, it is also expedient that a Council should be appointed to advise and assist her Majesty in the several matters aforesaid, and with power, from time to time, as they may see cause, to examine upon oath the physicians and others attending his Majesty's person, touching the state of his Majesty's health, and all matters relative thereto.

SPEECH,

S P E E C H, &c.

Mr. GRENVILLE spoke nearly as follows:

Mr. WATSON,

I HAVE not hitherto troubled the House in any of the debates connected with this important subject. And certainly, if this were any common question, arising in the usual course of government, or relating to the ordinary and accustomed business of Parliament, I should have felt, that under the circumstances of that situation to which the partiality of the House has so recently called me, it would have been proper for me, however decided my opinion might be, rather to content myself with giving a silent vote, than to obtrude myself at this time upon the attention of the Committee. But I could not avoid feeling, that the nature of the present discussion is widely different from those which I have stated. It arises from no common occurrence, but from a situation awful and calamitous in itself, and
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which is rendered more arduous from the circumstance of its being nearly unprecedented in the history of our country. It relates to no ordinary business, but to the exercise of the most important right even of a British House of Commons, to the discharge of the most sacred trust that can be delegated even to the representatives of this great and free people. Our decision upon it involves every consideration that is most interesting to our feelings as honest and conscientious men; the present happiness and good government of our country; the security for the continuance of these blessings to ourselves; and the preservation of the dearest rights and interests of our posterity. Under these circumstances, the more I have considered this subject, and the more the delays which have recently occurred, have given me an opportunity of revolving it over and over again, anxiously and fearfully in my own mind, the more I am convinced that this is an occasion which calls for the avowal of every man's opinion: and that with respect to myself individually, the situation in which the House has done me the honour to place me, as it has not deprived me of the right, cannot therefore have

have discharged me from the duty of delivering my sentiments in this Committee, and upon this question.

I shall, therefore, not trouble you with any farther preface, but proceed to state the opinion which I entertain with respect to the resolutions now proposed, and to explain the principles from which that opinion is derived, and the arguments on which it rests.

In all our deliberations on this subject, the first ground and foundation to be established is, the nature of our present situation, as it results from that calamity, from which alone the necessity of these proceedings has arisen. It is unnecessary for that purpose to recapitulate the particulars which have appeared in the course of our enquiries. The recital would, I am sure, be painful not to my own feelings only, but also to the feelings of those to whom I speak. It is sufficient to say, that the result of those enquiries appears to have established three propositions. First, The actual inability of his Majesty to attend to the discharge of the several duties of his exalted station. Secondly,

condly, The probability of his Majesty's recovery ; and Thirdly, The hope that this event, to which we all look with earnest and anxious expectation, is near at hand, and that his Majesty's disorder may probably not be of long duration. The two first of these propositions, are established by the direct and concurrent testimony given by all the physicians, as often as they have been examined. With respect to the third, we have, indeed, no such direct evidence, because these gentlemen have felt a natural reluctance to commit their characters by any precise opinion on such a point. But they have stated to us facts, from which we are enabled to draw the same conclusion with respect to the third question, which they have themselves established, as resulting from similar premises with respect to the second. They have told us, that the greater number of persons afflicted with this malady have recovered, and that they conclude from thence, that the probability is in favour of his Majesty's recovery. They have also told us, that the greater number have recovered within a short period, and that there are no particular symptoms in his Majesty's case

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which indicate a longer continuance of his disorder. Applying therefore these facts as stated by themselves, to their own mode of reasoning upon them, we are certainly warranted in drawing the same conclusion, that although the time of the recovery, as well as the recovery itself, is in the hands of God alone, yet, that as far as human experience has enabled us to judge, the duration of this calamity will probably not be extended to any distant period.

In this situation we have thought it necessary in the first instance to make an authentic and formal declaration of the circumstance of his Majesty's present inability to attend to public business. The next question which would naturally arise in the mind of every man was this; whether any provision had been made by the laws of our country for the case of such inability; or if not, in whom, by the spirit and principles of the constitution, the power was vested of providing for this new and unforeseen emergency? On this point the wisdom of Parliament has also spoken. It is therefore unnecessary now to refer to any former discussions

cussions in which it may have been involved; and certainly no argument of mine can add weight to the joint resolutions of the Lords and Commons of Great-Britain on such a question. But in speaking for the first time upon this subject, I feel myself bound to declare, that I subscribe to those resolutions, not only with the submission which is due to an authoritative decision, but also with the most unqualified assent, with the most entire and perfect conviction. I conceive it to be among the first principles of the British Constitution, that no rights can be claimed or exercised as against the people, except those only which have been given by known and positive laws appearing on the face of our statute book, or proved by immemorial and uninterrupted usage. And that whatever power or authority has not been so conferred, still resides with the people at large, to be exercised by them through the channel of their lawful, full, and free Representatives,

These preliminaries being thus established, the nature of our situation clearly ascertained; and our right and duty to provide for this

occasion examined and asserted, with the general concurrence and approbation of our country, it now remains for us to enter upon the discharge of this great and important trust. There is, nevertheless, one question which may still arise, and which however it may appear to be precluded by the resolutions to which we have already agreed, does yet in one view of the subject come under our consideration this day, as a point entire and untouched. It is now declared, that this and the other House are alone to provide for any emergency of this nature, and are to make such provision for it as the exigency of the case itself shall appear to us to require. Are we then left at liberty in this particular case to act according to our own free discretion, adhering only to the rules of justice, and to the general principles of the Constitution? or is our conduct in any degree prescribed, restrained, or limited, by the positive regulations of any existing law? An idea has been suggested to the public, that although the two Houses of Parliament constitute the only power competent to act on this occasion, yet that the sphere of their action is confined within a very narrow limit. That they

they can lawfully proceed no farther than to call some person to the exercise of the Royal authority, and that whatever other provisions the existing circumstances may require, must be made hereafter with the consent of such person then representing the Sovereign, and exercising at his own discretion the legislative functions of the Crown.

In support of this proposition, the statute of the 13th of Charles II. cap. 1. has been quoted, by which it is enacted, that any person who maintains that the two Houses of Parliament have any legislative authority without the King, shall incur all the penalties of a premunire. This act has been much referred to on the present occasion, both as declaratory of the ancient Constitution, and as a law still in force, and consequently binding upon our conduct. It is therefore material to consider it with attention, because if its operation be really such as has been stated, every discussion of restrictions or limitations is in the present moment premature, and may hereafter become useless and nugatory.

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For my own part, I have no scruple to confess that I am not at all moved by the authority of this statute, which I consider as wholly inapplicable to our present situation. No one can doubt that in the ordinary course of Government, the principle of that act is binding upon us, as the very foundation and corner stone of the British Constitution. When the throne of these kingdoms is full, and when the King is personally capable of discharging the duties of his station, *his* express concurrence is unquestionably necessary to every act of legislative power. But on such an occasion as the present, it appears to me that the very same necessity by which we are compelled to act at all, extends itself to the manner in which we are to act, superseding both the letter of this statute, and the principle on which it is founded.

I certainly had the honour to concur entirely, not only with the general principle on which we have asserted the right of the two Houses to provide for this emergency, but also with the grounds on which we resolved that the proper mode of making such provision would be, by determining on the means

means by which the Royal assent may be given in Parliament to a bill for establishing the Regency. In every step which we take under our present circumstances, it is in my opinion extremely material, that we should adhere, as far as possible, to the established forms of that Constitution, the very forms of which are dear to the hearts of Englishmen. And in this particular instance I conceive that the signification of the Royal assent, by the Great Seal being that organ through which the authority of the Crown speaks in the most solemn and authentic manner, is not a point of form only, but follows as a necessary consequence from some of the most important principles of the Constitution, which could not be neglected without great and manifest danger. But looking to the *substance* of the duty which we are now called to perform, I can have no difficulty to declare explicitly, that in providing for this emergency, I conceive that the two Houses of Parliament must in reality act in a legislative capacity, in so far, and in so far only, as the necessity of the case requires: that it would be idle and nugatory for us, in the situation in which we now stand, to be afraid of words, or not to look

look to the true sense and meaning of those measures which we are obliged to take ; and that no distinction can on any just principle be maintained between acts of Legislation, properly so called, and those proceedings which have always been adopted, in cases of of a necessity at all similar to the present.

If indeed there were any force in the objection which has thus been raised, it must apply equally to every step that can be taken, and the only inference that could be drawn from it, would be, that we were now in a situation for which no remedy could by any possibility be provided. We have already declared that we acknowledge no right existing in any person, however exalted his rank may be, to act in this instance on the King's behalf, except under the authority of Parliament. And if it be true, that no act which is substantially and really of a legislative nature can be performed, even in such a case as the present, by the Lords and Commons of Great-Britain alone, it is impossible that we can cure this defect by appointing some person, who, deriving his authority from us, shall exercise the Royal functions

functions in the place of the Sovereign. For whatever form we may adopt, would it not, in truth, be directly and plainly an act of legislation, to declare that the force of laws shall henceforth be given, and the obedience of the subject be duly paid, not to acts of Parliament passed by King, Lords, and Commons, but to bills passed by the two Houses and assented to by a Regent, having no authority to give such assent except what he derives from our proceedings? In any case, therefore, this statute, if it applies at all to the present circumstances, must prevent the possibility of any legal provision being made for this situation.—Whether we attempt by one act of legislation to provide for this emergency by ourselves, without the personal intervention of the Sovereign, or whether by another act of legislation we authorize some person to supply the place of the King, and to proceed, in concurrence with us, the statute is equally opposed as a bar to our proceedings, and no alternative remains, but that of an immediate and total dissolution of the Government.

On this ground alone I should contend that such a principle of law cannot exist as

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applicable to these circumstances. And I should urge in support of this position the opinions of those writers whose names are the first in legal weight and authority—particularly that of Sir William Blackstone; who tells us expressly, in arguing on a point immediately connected with this subject, that “the necessity of the case supercedes all law.”

But I must also desire that this question may be examined upon the example and practice of our ancestors in two distinguished instances; the one occurring at the very period of passing this statute which I have before referred to; the other within no very long term of years subsequent to it. At the Restoration, the first step which was taken for re-establishing the British Constitution was to declare by a solemn resolution, that the only legal Government of these kingdoms resided in the King, Lords, and Commons. Yet, immediately after this declaration had been made by both Houses, and after they had recognized their true and lawful Sovereign, they proceeded in his absence to the exercise of several functions both of legislative and of executive Government; not certainly

tainly as intending to supersede the authority of their King, whom they had so recently acknowledged; but because they felt it their duty, both to him and to their country, to perform whatever acts were *necessary* to prepare the way for his return. Such was the conduct of the very same Houses of Parliament who, within a few months afterwards, passed, in concurrence with the King, the act in question, declaratory of a principle which is now alledged as precluding us from the free consideration of the measures *necessary* in our present situation. I cannot but think that we shall best expound this law by adhering to the construction of those by whom it was made; and that we are at liberty to exercise, as they did, our best discretion and judgement in the behalf of our country, under the circumstances of a necessity, at least as strong as that under which they acted,

At the memorable æra of the Revolution, this statute was still in full force and vigour, not considered as an obsolete law, but as one passed not many years before, and founded on the experience of misfortunes

still fresh in the recollection of the nation. But if the Convention Parliament had then admitted its operation, as applying to the circumstances under which they met, it must have stopped their deliberations in the very outset, and must have raised an insuperable obstacle to those measures to which alone we are indebted for the preservation of our rights. Or even if they had thought themselves at liberty to declare the forfeiture of their Sovereign as an existing fact, arising from no act of theirs, but from his misconduct, let it be considered what, under the letter of that statute, must have been their subsequent proceedings? They must have acknowledged that the Crown had thereupon immediately descended to the next heir of King James; and that without the sanction and concurrence of their new Sovereign no measure could legally be taken by the two Houses of Parliament. Instead of this, they felt themselves warranted by the necessity of the case, first to set aside the abdicated King; next, to disinherit his son, whether real or pretended the illegitimacy of whose birth, however strongly asserted, had not only not been proved, but was not even enquired

quired into by them ; and lastly, in the settlement of the Government to introduce a new order of succession, disregarding the strict line of descent, even in the persons of the two next Protestant heirs. What is there which can be a more direct or manifest exercise of legislative authority than each of these several steps ? The transferring by law the obedience of a whole people from the Sovereign to whom they had sworn allegiance — The superseding his immediate heirs, on whom the right to that allegiance descended according to the fundamental institutions of the monarchy — The changing the established order of succession to the throne in the existing circumstances — And the imposing new conditions and limitations on the subsequent descent of an hereditary crown. This whole transaction, productive of such happy consequences, appears to me to be unquestionably not only an act of legislation, but an act of the highest legislative authority—Justified by the necessity of the times, and therefore supported by the concurrence and approbation of the best and wisest men, to whom we owe the preservation of our liberties.

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It appears, therefore, on a full consideration of this part of the subject, that the statute in question, and the principle which it declares, have no reference to an occasion like the present. That no other consequence could result from them, if applied to such a case as this, but an immediate dissolution of the whole frame of government, and that for this reason they were not considered as obstacles to the proceedings of Parliament, either at the Restoration by the very persons who passed the law itself, or at the Revolution by those illustrious men, who then placed our Constitution on those foundations on which it is now established.

Another argument has however been urged against our proceeding to provide a remedy by our own authority to the whole extent of what the present emergency may be thought to require. An apprehension has been stated, that such a claim might be extended in present beyond the necessity of our situation, or might hereafter be used against the Sovereign himself, and to the subversion of our happy Constitution. To this it might be answered, in the first place,

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that no just argument can be drawn from the possible abuse of any power, against the right to use it in a regular manner, or to apply it to the legitimate purpose for which it was given. Such a mode of reasoning would go at once to sap the foundations of all authority, and to destroy with one blow all the most beneficial institutions of human wisdom.—A tyrannical King, and a corrupted Parliament, might use their power of legislation for the purpose of annihilating every trace of our laws and liberties. But shall we therefore say, that by the British Constitution the power of legislation does not reside in the King, Lords, and Commons? Or, if not, how is it more reasonable to argue against the existence of a right in the two Houses to provide, when necessity requires it, for the security and welfare of their country, because they might, in a different situation, act in a manner prejudicial to these important interests?

There is, however, another answer applying more immediately to the particular question which we are now discussing.—The principle which the two Houses of Parliament maintain, and have declared by their
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joint resolutions, is this; that our right to act in this instance in a legislative capacity, being created by the necessity of the case alone, is also limited by that necessity.— Whenever the same necessity shall hereafter arise, we shall have no reason to fear any evil consequences from the exercise of the same right. Whenever the right shall be claimed without the existence of such necessity, or whenever its exercise shall be pressed beyond the occasion which requires it, the claim will not only be unsupported by these proceedings, but will be in direct contradiction to the express principle on which we rest our conduct. Let it therefore be remembered, in discussing this question, that it is not by adhering to the line which we have laid down for ourselves, that we shall give just ground for such apprehensions as have been stated; but that it is by departing from it, by exceeding the limits of the necessity which creates our right to act, and by conferring powers beyond the warrant of that occasion, by which alone we can be justified in delegating to another any portion of the constitutional authority of the Sovereign.

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The only remaining objection to the present proceedings of the two Houses arises from comparing them with the particular measures adopted at the periods which I have already mentioned; and from shewing that they differ from these, and especially in this respect, that no consideration of limitations or restrictions on the Regal power was entered into by Parliament, previous either to the restoration of Charles the Second, or to the act which placed King William on the throne of England. It seems to me that this ground of argument is entirely removed by the application of the principle which I have just stated, and which is essential to every part of this subject. The separate interference of Parliament in those cases could with propriety be carried no farther than the bounds of that necessity in which it originated; and whatever difference exists between those proceedings, and our present measures, arises entirely from the different circumstances for which we are now bound to provide,

At the period of the Restoration the necessity under which our ancestors acted, required

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no more than this only, that they should acknowledge on the behalf of their Country the just title of their lawful Sovereign, and that they should prepare the way for his immediate return, to take upon him the administration and government of his kingdoms. Their measures were therefore confined to these objects, to provide for a period of a few weeks at farthest, which might elapse before the arrival of their Sovereign, and to remove those obstacles to his return which had been created by the preceding usurpation. They might naturally feel, that it would afterwards be a fit subject for Parliament to consider what provisions were best calculated to remove the grounds of former jealousies between the Sovereign and his people. But these questions were wisely postponed till after the restoration of the monarchy itself. Justice required that the King should be replaced in the full possession of that authority of which he had been unlawfully deprived; and every motive of sound policy made it desirable, that the re-establishment of the ancient form of government should not be delayed, nor the favourable moment neglected, which, if it had been

been suffered to pass away, might perhaps never have returned.

We are next to consider what was the situation and conduct of Parliament at the æra of the Revolution. And it is the more necessary to do this with accuracy, because that enthusiasm which every Englishman so justly feels at the recollection of this event, appears to have induced some considerate and reasoning men to wish that we should not only adopt the leading principles of that transaction,—principles to which we cannot too often recur,—but that we should also adhere to the exact forms of those proceedings, in points in which they appear to me by no means to apply to the circumstances of the present case. With this view it has been proposed to us, not as a duty resulting from any principle of law, (in which light I have already considered it) but as a point of expediency, that we should copy the precedent of the Revolution by addressing the Prince of Wales to take upon him the exercise of the Royal authority; and that we should then proceed with his concurrence and assent to the establishment

of such limitations as the circumstances may appear to require. But in order to see how clearly this example is inapplicable to the present case, we have only to examine what was the nature of that necessity under which our ancestors were compelled to act at that memorable period. They were to supply the vacancy of the throne, occasioned by the forfeiture of a Sovereign who had violated the fundamental laws, and had laboured to subvert the Constitution and Religion of his kingdoms. They were to provide for the immediate administration of the government which he had abdicated, and which would otherwise have fallen into utter and irretrievable confusion. But they had another and a more important duty, which they owed to themselves and to their posterity, and in the discharge of which they hazarded every consideration of personal interest, and personal safety. The preservation of our laws, religion, and liberties had rendered it necessary for them to drive their Sovereign into exile.—A still stronger necessity required that they should effectually provide against the revival of that inauspicious system which he had pursued ; and that
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they should establish their new government on such a firm and solid foundation, that he might never afterwards be in a situation to re-assume his authority, to revenge himself on those who had stood forward to oppose his tyranny, and to seize some more favourable opportunity for destroying the Constitution and overthrowing the Religion of the country. Under such circumstances as these, there was but one step that could be taken with propriety or safety.—To place the Crown immediately, with all its full power, prerogative, and authority, on the head of the Prince of Orange, the only person who could, by the wisdom of his councils and the vigour of his arms, defend the nation against any attempts, whether originating at home or abroad, to restore the former Sovereign to the exercise of an authority which he had so justly forfeited.

If we compare these transactions with our present situation, we shall see that they have but one point in common; namely, the Right and Duty of the Lords and Commons to provide legislatively for those cases where the concurrence of the three branches
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of the legislature cannot by possibility be obtained. But that with respect to the particular circumstances of this day, the necessity which compels us to act, and by which our mode of acting must be regulated, has no relation to that which existed at the Restoration, and is in every material circumstance opposed to that of the Revolution.

The duty which is now incumbent upon us is not, as in the first case, that of putting a King into the immediate possession of an authority which has devolved upon him by the course of inheritance, and the limits of which are clearly ascertained by the existing laws; but it is that of creating a new and delegated trust, to be exercised for a temporary purpose, and to be vested in an office unknown to the Constitution of the country.

Nor are we, as in the other case, called upon to supply a vacancy in the throne, by the election of a Sovereign, or to preserve our laws and liberties by placing the sceptre in those hands most likely to maintain it against its former possessor—We are to consider

sider by what person, in what form, and with what degree of authority, it may be proper that the government of this country should be administered, during the continuance of the indisposition of our Sovereign, and how it may be restored to him without delay or difficulty immediately upon the happy event of his recovery. In deliberating upon this subject, we should always bear in mind, that the throne is not vacant, but full; that it is filled by a Monarch whose virtues have justly endeared him to his people; and whose speedy restoration to his health is not only the end to which all our wishes and prayers are directed, but is also an object of rational and well-founded hope.—Instead, therefore, of hastening as at the Revolution to create, and to strengthen a power, which may effectually prevent his re-assuming the government, we are bound by every consideration of allegiance to him, and of concern for our country, to adopt a line precisely the reverse of this. We are bound to consider well the nature of our situation and the consequences of our conduct, and to weigh the effects of every separate step we take, before we can feel ourselves

selves at liberty to give into other hands any portion of the supreme and sovereign authority of these kingdoms.

It is, indeed, an arduous and awful duty, which is imposed upon us by this calamity. The guardianship of the rights of our Sovereign, the care and preservation of his just prerogatives, have, under the affecting circumstances of the present moment, devolved upon the Representatives of his faithful People. We should certainly not be unmindful of this sacred trust, even if we were animated only by our feelings towards him, to whom we are bound not only by the ties of duty and allegiance, but also by those of national attachment and national gratitude. But if we wanted an additional inducement to the discharge of such a duty, it would arise from this consideration, that we cannot in this instance be wanting to our Sovereign, without being in the same degree wanting to the most essential interests of our Constituents and our Country. We are attached, and we have infinite reason to be so, to that part of the British Constitution, by which the Crown of these kingdoms

doms is declared to be hereditary. The mischiefs of a contrary form of government are so universally known and acknowledged, that it would be unpardonable to waste the time of the Committee, by dwelling on such a topic.—But let it be remembered, that every argument which can be used in favour of hereditary monarchy, applies with greater force to the maintenance of this proposition, which is essentially a part of the same principle, that during the life of the Sovereign he cannot, except by his own misconduct, be divested of his constitutional authority. All the confusion, discord, and anarchy, which are inseparable from the institutions of an elective kingdom, would unquestionably be found to exist in a still greater degree, if there could be supposed a country where the Sovereign was liable, by reason of any temporary disability, to be removed from his exalted situation, and to make way for the appointment of his successor. And it is well worthy of our consideration, that the more strongly we recognize the right of inheritance to the Crown in the event of a demise, the more essential it becomes to guard with the utmost jealousy against

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the admission of any principle which leads to the assertion of such a right when there is no demise, and against the adoption of any measure which might afford the means of superseding the King's authority during his life, under the name and influence of that person on whom his Crown would in the course of nature legally devolve.

In touching upon this part of the subject, however strongly I may feel and express the necessity of providing the fullest security for the permanent authority of the King, I trust I shall not be considered as casting any imputation upon the character of his Royal Highness the Prince of Wales. I think myself bound to argue this question upon very different grounds. If there is any one circumstance which serves above all others, as a landmark, to distinguish, and at the same time to maintain the boundaries between a free and an arbitrary government, it is this; that in despotic countries, whatever complaints are made against existing grievances, whatever precautions are suggested against the repetition of former evils, whatever securities are desired against the further progress

gress of oppression, are considered as so many personal reflections on the character of the Prince, in whom resides the whole power and authority of the country. In these Kingdoms we have established it as a principle of our Constitution, that the first executive Magistrate has no personal share in the misconduct of his government—And it is not only our right as Englishmen to discuss these points in a manner distinct from any consideration of the character of the Sovereign, but as Members of this House it is made our duty so to do, by the positive laws and institutions of Parliament. I shall, therefore, not enter here into any panegyric on his Royal Highness, because it would be foreign from the view which I entertain of the present subject, and because I think that in this Committee it would be extremely misplaced. I must, on the other hand, desire it to be understood, that the dangers against which I think it necessary to guard, and the precautions which I wish to be adopted for that purpose, have no personal reference to his Royal Highness; but are grounded on this supposition, on which we have always proceeded with respect to

our Sovereigns themselves, that they may by possibility be misled by the councils of men who may abuse their confidence. And I am sure it must be felt, that unless we are at liberty so to argue, we shall have sacrificed to empty compliments all the most important functions of Parliament, both now and hereafter.

Thinking it, therefore, unnecessary to dwell any longer on this point, I wish to recal the attention of the Committee to the principle which I have already stated.—That it is an essential and indispensable part of our duty in the present circumstances, at the same time that we establish a form of government capable of conducting the public business with energy and effect, to provide a complete and ample security for enabling his Majesty, whenever it shall please God to restore him to his health, to reassume the exercise of his authority fully, freely, and without embarrassment. Our Ancestors have acted on the ground of a similar duty in the case of every Regency which has hitherto existed in this Country, as far as we can trace them with any degree of
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of accuracy, either in the records of Parliament, or in the annals of our history. For, if we except the two instances of Richard the Third, and of the Protector Somerset, (which are both such evident usurpations that no stress can be laid upon them,) it will be found, that during the course of many centuries, no subject in these realms, however nearly allied to the person of the King, has been permitted in any case of infancy, or disability, to exercise the whole prerogative and authority of the Crown. The mode of restriction has, indeed, for the most part been different from that which is now proposed; but the principle has been the same: that in the establishment of a Regency, it is necessary not to look exclusively to the strength and efficacy of the intermediate and temporary government, but to consult at the same time, the permanent interest and security of the King, in whose name and on whose behalf the authority so given is intended to be exercised. There is no distinction on which it can be argued, that this principle, which has been uniformly adopted in the case of the minority of the

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Sovereign, is less applicable to the circumstances under which we are now placed. Perhaps it would not be difficult to assign some reasons for thinking that it applies with much greater force to the present case, and that in the consideration of the measures now to be adopted, it might with propriety be carried a great deal further than in any former instance. But without entering into this, which might lead to an unnecessary discussion, it is sufficient to have established, that the principle of limiting the power of a Regency, with a view to the future security of the Sovereign, has been felt and acted upon in every case which has hitherto occurred, and is almost co-eval with the constitution of the Monarchy itself.

I have, however, already admitted that the mode in which this has been done, has usually been different from that which is now proposed. The whole powers of the Crown have, for the most part, been called into action, though I believe it might be shewn that this has not always been the case; but they have not been given to any one subject: they have been divided
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among a variety of persons, differing in rank, situation, and description, and whose jarring interests have been thought to afford the best security, that they would not concur in measures prejudicial to the authority of the Sovereign. And with respect to this point, which relates not to the principle, but to the manner, of limitation, it certainly becomes our duty to proceed with a more than ordinary degree of deliberation, caution, and doubt, when we are desired to depart from the authority not only of a remote antiquity, but even of recent precedents, established by persons eminent for their integrity and wisdom.—For my own part, however, though wishing to speak with all the respect which I owe to those precedents, I cannot but say, that I have very serious doubts whether the two last Regency Bills were well adapted to the circumstances of the times in which they passed. But this at least I may assert with greater confidence, because I know I am supported in it by the general opinion of this House and of the Country, that in the present case, the establishment of such a form as is there provided, would have been
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productive of infinite mischief, without being compensated by any one real advantage. We are, I believe, all agreed, that the government of these kingdoms should, during this unhappy interval, be committed to the administration of one person, and that it is extremely desirable that this person should be his Royal Highness the Prince of Wales. But if by general consent we depart in this respect from the practice of our Ancestors, it surely cannot be reasonable to argue, that we are, therefore, bound to adhere to it in another point so intimately connected with the former. It cannot be a just conclusion to say, that because they committed the whole authority of a King into the hands of a Regent, controuled and fettered by a fixed and permanent council, it is proper for us to delegate the same power to a single person, unrestrained by any similar check. It seems on the contrary, that the more widely we depart from one line of limitation and restraint, the more we are bound to look to some other mode of carrying the same purpose into effect; unless indeed, we reject as useless and improper, the whole principle of providing

viding a security for the rights which are hereafter to be exercised by the Sovereign himself, in the happy event of his recovery.

Those who hold that principle to be founded both in wisdom and in justice, must make their option between the two propositions, of a Regent controuled in the exercise, or limited in the extent of his authority. Of these I have no doubt in saying, that the latter is infinitely more agreeable to the true spirit of the British Constitution.—That whatever degree of political authority is fit, under any given circumstances, to be exercised for the purposes of executive government, should be exercised by a single person; and that wherever any just ground of danger is found to exist, it should be guarded against, if possible, by limiting the extent of the power so exercised, rather than by dividing amongst many what cannot with propriety be entrusted to one. Such is the principle on which Parliament has proceeded at different periods, to diminish the influence of the Crown itself; not holding it necessary, as a general proposition, that the same degree

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of power or influence should at all times belong to the executive Government; but thinking it their duty to consider and regulate this point according to the fluctuation of the various circumstances by which it has been affected. In this manner the Household of the King has within these few years been regulated by the authority of Parliament; and in proportion as circumstances appeared to require it, the number of placemen sitting in this House, and the influence of the officers of Government in elections, has at different times been restrained by our interference. The application of the same principle to our actual situation is much stronger, and I am satisfied in my own mind, that it affords not only the most constitutional, but also the most advantageous mode of providing that security, which in the present case is of indispensable necessity.

It is by no means a just conclusion, either from the theory or practice of the British Constitution, or from any general principles of Government, that the same powers which may be entrusted with propriety to the permanent

manent authority of a King, are equally fit to be committed to those hands which are to exercise the temporary and delegated functions of a Regent. The provisions which respect the prerogatives of the Crown in this country, are adapted to the ordinary course of an established Government, and are calculated for a long continuance. Because if Parliament were in the constant habit of regulating and directing the exercise of the prerogatives of the Crown, those prerogatives would in fact become the prerogatives, not of the Crown, but of Parliament-itself. It is therefore just and prudent that in apportioning these, a due consideration should be had, not of the necessities which exist at any one precise moment, but of those which may be likely to arise within a considerable compass of time. But in the establishment of a Regency the case is directly the reverse. We are to look not to the general exigencies of Government, but to those occasions which may probably exist during the period for which the system so provided is intended to continue. And as, for this reason, there may frequently be much less ground to justify the grant of particular powers, so on

the other hand there will almost always in such a case be infinitely more temptation to abuse them. The permanent interest of a Sovereign will frequently operate as a restraint on him, in those very points where the possessor of a temporary authority, however near to the Crown in prospect or expectation, will feel himself most desirous, and will most strongly be urged by others, to exceed the limits of a just and sound discretion.

It is on this ground that I am induced to to think that a just limitation of the Regent's powers will not be injurious to the present welfare and prosperity of the Country, while it is at the same time indispensably necessary to our future security and happiness. But there is another topic which belongs to this part of the subject, and to which I wish to be permitted to call the particular attention of the Committee, entreating them to give to it that serious consideration which I think it claims from every good citizen. The evils which would arise hereafter, if on the King's recovery we should be found to have neglected the just security

security of his rights, may perhaps present themselves to the minds of some gentlemen with a less degree of force, in proportion as they may possibly consider them to be more remote. The duty which we owe to the future interests of the King has, however, a strong and immediate bearing upon the happiness, tranquillity, and good government of these kingdoms under the system which is now to be established. The eyes of all Europe are turned to the deliberations of this House. The attention of the people of Great-Britain is more particularly directed towards us, because they feel that we have taken upon ourselves to act for them in this arduous and delicate situation, and to exercise on their behalf the most important of all their privileges. They have admitted and recognized the right which we assert, they look to us for the discharge of the duty, the obligation of which we acknowledge. Let us then, as we value the continuance of this harmony and confidence, be particularly careful that we do not overstep the bounds of our authority.—That we give no grounds for imputing to us that we have exceeded the limits of the necessity under which we claim
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to act; and that we have granted powers which it did not belong to us to delegate. Let us also pay a just regard to those sentiments of dutiful and zealous attachment to their Sovereign with which we know that our Country is animated. Let no breath of suspicion go forth into the world that we have been wanting to the same feelings; that in such a moment as the present we have deserted our duty to the King, or sacrificed to any considerations the sacred trust which his misfortune has imposed upon us.

If unhappily a contrary impression should prevail, what must be its effect upon the minds of a generous and loyal people? I ask not what would be their conduct when the occasion would arise for which we had neglected to provide, but what would be the present security of a system built on such foundations? It is a false and mistaken opinion, that the strength and stability of Government are increased by the exercise of powers inconsistent with the principles of justice, or repugnant to the feelings of mankind. The reverse is true—
Nec unquam satis fida potentia ubi nimia est.

Sir,

Sir, I feel the delicacy of this part of the subject, and if I had not also felt its infinite importance, I should have forborne to touch upon it. I trust it will never justly be imputed to me, that I am forward in raising up a spirit among the people to question those measures which have received the sanction of Parliament. But we cannot avoid being sensible that the strongest security for their acquiescence in our proceedings, especially under such circumstances as now exist, is an adherence on our part to the principles of justice, and a conscientious discharge of the duties which are incumbent upon us. If therefore I have felt myself bound to suggest these reflections to the Committee, it is because I feel a jealous concern for the honour and dignity of this House; it is because I feel an anxiety for the preservation of that respect and deference from the people to the decisions of Parliament, which is at all times necessary for the prosperity and glory of this Country, but which in the present moment I do in my conscience believe to be absolutely essential to the maintenance of our internal and domestic tranquillity.

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Therefore, Sir, upon all these grounds,—on the full consideration of the extent of that necessity by which we are empowered to act—of the example of our ancestors whose steps we follow—of our duty to our Sovereign, of whose rights we and we alone are the true guardians and protectors—and of our concern for the interests of millions of our fellow subjects, whose dearest interests are now exclusively committed to our care; I feel myself enabled and called upon to give a decided opinion in favour of a Regency limited with respect to power.

It remains for me to consider the several restrictions which have been this day proposed. My opinion with respect to these follows so much from the principles which I have already stated, that I should feel it unnecessary to enter into any more particular detail of reasoning concerning them, if I were not desirous on every part of this important subject, to speak my sentiments distinctly and unequivocally. I agree with the resolution which restrains the power of creating Peers—and I do it on two separate grounds. First, because I am clear, that
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during the short period for which we are now providing, no inconvenience whatever can result from the suspension of this branch of the prerogative of the Crown : that there is, for this reason, no necessity for our delegating this power to any other hands ; and that we have, therefore, according to the principle on which I have before enlarged, no right to confer it on the Regent. But there is in the second place a more important consideration which applies to this subject. Of all the powers of the Crown this is the most liable to be abused under a delegated and temporary Government ; and it is also that from the abuse of which the most injurious consequences would arise to the permanent interest of the Sovereign. The power to create at discretion a lasting influence on the deliberations of one of the branches of the legislature, is a prerogative of so high a nature, that nothing but a strong necessity would justify that principle of the Constitution, which has placed it in the hands of the Sovereign himself. As exercised by him, it is, however, subject to this restraint, that the mischiefs attendant on its abuse, operate against the peace and security of that Govern-

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ment, of which the King is not only in actual possession, but which he is to retain for the whole period of his life, and which he can have no interest to weaken or embarrass. The case of a Regent is widely different. If we suppose him unhappily to be misled by the councils of men desirous of availing themselves of a short interval of authority, in order to establish for themselves an influence in the State, paramount to that of their Sovereign, what other mode could be so naturally resorted to for this purpose, as the abuse of this particular branch of the prerogative? How could they hope more effectually to secure the continuance of their own power, than by retaining the means, if not of preventing the King's return to the exercise of his authority, at least of embarrassing and thwarting him in every instance in which he might feel it his duty to counteract their views of personal interest or ambition. It may indeed be said, that the same restraint which I have before mentioned, as operating on the exercise of this power by the Sovereign himself, does in some degree apply to it, even in the hands of a Regent. And this might be true in the
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case of a Regent whose authority was permanent, or even certain in its duration. But let it be considered, that in the present case, exactly in proportion as the probability of the King's recovery increased, the force of this restraint would gradually be weakened, and the temptation to the abuse would grow more powerful. The persons who advised the Regent would then feel it less likely that the consequences of any misconduct of theirs in this respect would be injurious to the Government in their own hands, and they might perhaps imagine that they had an interest in the mischiefs which it would entail on the subsequent administration of the Sovereign. The consideration therefore of the shortness of the interval for which we now provide, serves at once to shew, that no necessity can exist for giving this power ; and to afford a great additional weight to the apprehension of danger resulting from it. In the present moment, I can entertain no doubt that the granting it would exceed the limits of our authority, and that even if that were not the case, it would be the duty of Parliament to withhold it on grounds of expediency,

The limitation which would prevent the Regent from anticipating the King's authority by reversions, and from fettering it by the grant of offices for life, is a part of the same principle which has just been stated; and though in its consequences certainly not of equal importance, is nevertheless in my opinion highly necessary to be adopted.

The propriety of the restraint on the disposal of the real and personal property of the King is admitted on all hands, and is founded on the same principle which would be adopted in the case of any other individual in similar circumstances.

The only remaining question is that which relates to the fifth of the resolutions opened to us in the beginning of this debate. That the care of his Majesty's person should be entrusted to the experienced virtues, to the anxious and long-tried affection of the Queen, is in my opinion self-evident on every ground of public duty and of private sentiment, in a case where even private sentiment should not be disregarded. As a point intimately and inseparably connected
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with the discharge of this interesting trust, the care and superintendence of his Majesty's household must be invested in the same hands. The only doubt, indeed, which could arise upon this subject would be, whether under the present circumstances, the existing establishment ought to be maintained; but if maintained, it can be put under no other direction than that to which the care of his Majesty's person is entrusted. For that any other authority should be suffered to interfere in points so immediately connected with this duty, and that the domestic uneasiness inseparable from such a system should be allowed to add to the weight of the severest affliction, is, I am sure, an idea too shocking to be entertained by any of those persons whom I address in this place.

The proposition of reducing the King's establishment in the present moment would, however, as it appears to me, be scarcely less repugnant to the feelings of a generous People. The smallest degree of reflection upon this subject, must render it impossible that we should reconcile our minds to such a step. It will certainly be felt to be inconsistent
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with the sentiments which we all entertain towards our Sovereign, even if we could be assured that he must always remain unconscious of the disregard which he would thus have experienced from the Representatives of the British nation. But if we carry our eyes farther and look to that happy period to which our wishes and our hopes are turned, what a picture must then present itself! Let us, if we can, imagine, what must be his feelings in such a moment as that, when he is told that his Parliament has availed itself, with eagerness and avidity, even of the shortest interval, to new-model the offices attendant on his person, and by a miserable oeconomy, to degrade their Sovereign from those circumstances of splendour which belong to the rank in which he was born, and to the station which he still occupies.

But, Sir, this is not all, though I trust this is infinitely more than sufficient to rouse the feelings of every English heart. We profess in our deliberations here, and we have published it to the Country in our resolutions, that we mean to establish a system
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which is to continue only during the King's indisposition. If we are sincere in this declaration we shall be careful to keep alive among the people at large, the impression of that allegiance, which is still due to him, and to him alone. Can we believe that it is consistent with this purpose, to withdraw from him every mark of dignity, every external circumstance by which he is distinguished as an object of respect, and to reduce him in this instance to the same level with every common subject ?

We know, and it will not be disputed, that the splendour which attends our Monarchs in the exercise of their authority is not created for an empty pageant ; is not given to gratify an idle vanity, which they would be ashamed to feel ; but is established for solid reasons of sound policy. It serves to mark and to define that rank in which the Constitution of this country has designed them to stand. It serves to create respect among the people at large, and to impress continually on their minds those sentiments of habitual reverence which are justly due to the higher attributes of Royalty.

ty. I mean not certainly to compare these external circumstances with the real and substantial dignity of a King—with the power of administering Justice in Mercy, or with the power of conferring happiness on Millions of his Fellow-Creatures. But if there exists a situation under which our Monarch is for a time unhappily debarred from a personal exercise of these best prerogatives of his station, is it not rather an additional reason for continuing to him the outward forms and ensigns of Sovereignty? I trust and believe that the sentiments which his virtues have inspired, are so deeply rooted in the hearts of all his subjects, that no length of time that could elapse, no misfortune that could overwhelm him, no disregard under which he could be suffered to fall, would weaken their attachment, diminish their affection, or repress the ardour of their loyalty. But surely, we shall not feel ourselves at liberty, from these considerations, to neglect the natural and obvious means of preserving in the Country a just remembrance of his rights. We must be sensible that every wise motive which before induced us to maintain the splendour and dignity of his
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exalted rank, has from the circumstances of his actual situation acquired an additional and stronger claim to our attention. Even if our present hopes should be disappointed, and if by the continuance of this calamity we should hereafter find ourselves compelled to resort to a new arrangement in this respect; Yet let it never be forgotten, neither at this, nor at any other period of his life, that the duty which we are this day to discharge, is not that of electing a King to reign over us in his stead, but that of creating a delegated trust to administer the Government during *his* indisposition, in *his* name, and on *his* behalf.

Sir, I have now trespassed upon the attention of the House much longer than I have done at any former time, or than I had intended upon this occasion. The nature of the subject, its extent, its consequences, and the deep impression which it has made upon my mind, must be my apology. The question is one of the most interesting that has at any time been agitated within these walls. It is probably the most important that will ever occur during the course of my life.—And

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sure I am that there will be no moment of it, at which it will not be a satisfaction to me to reflect, that I have discharged this high and sacred duty, faithfully and conscientiously, without respect of persons, or consideration of interest, and looking only to that allegiance which I owe to my Sovereign, and to that concern which is due to the peace, prosperity, and happiness of my Country.

T H E E N D.